UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

UNITED STATES OF AMERICA,)
)
v.) No. 1:10-cr-163-TRM-SKL-1
)
ROBERT MOORE)

MEMORANDUM AND ORDER

ROBERT MOORE, ("Defendant") appeared for a hearing on July 18, 2018 in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Summons for Offender Under Supervision [Doc. 50] and Petition for a Warrant for Offender Under Supervision [Doc. 54] ("Petitions").

Defendant was placed under oath and informed of his constitutional rights. It was also determined that Defendant had been provided with and reviewed with counsel a copy of the Petitions. It was previously determined that Defendant wished to be represented by an attorney and that he qualified for appointed counsel. On May 22, 2018, an Order was entered appointing Federal Defender Services of Eastern Tennessee to represent Defendant [Doc. 52].

The Government moved that Defendant be detained without bail pending his revocation hearing before U.S. District Judge McDonough. Defendant waived his right to a preliminary hearing but requested a detention hearing, which was held. Defendant and the government both made proffers regarding the Petitions and related matters. Both parties presented their respective arguments, which were fully considered by the Court.

Based upon the Petitions and Defendant's waiver of a preliminary hearing, the Court finds there is probable cause to believe Defendant has committed a violation of his conditions of supervised release as alleged in the Petitions.

As addressed in greater detail during the detention hearing, and pursuant to Fed. R. Crim. P. 32.1(a)(6), the Court further finds Defendant has not carried his burden to establish by clear and convincing evidence that he will not pose a danger to any other person or to the community if released.

Accordingly, it is **ORDERED** that:

- (1) Defendant shall appear for a revocation hearing before McDonough at **9:00 a.m. on August 10, 2018**.
- (2) The Government's motion that Defendant be **DETAINED WITHOUT BAIL** pending his revocation hearing before Judge McDonough is **GRANTED**.
- (3) The U.S. Marshal shall transport Defendant to a revocation hearing set before Judge McDonough at 9:00 a.m. on August 10, 2018.

SO ORDERED.

ENTER.

SUSAN K. LEE UNITED STATES MAGISTRATE JUDGE

s/ Susan K. Lee